

1909-037 Chancery Causes: Gdn. of Maud Ely vs. Maud Ely &c
Lee Co.

Parks, Thomas, Hughes

CA-Estate Dispute
T-Property

To the Hon. H. A. W. Skeen, Judge of the Circuit Court for Lee County;

Your oratrix, Sarah ^{C.} Parks, guardian of Maud Ely, an infant under twenty-one years of age, respectfully sheweth unto your honor that the said Maud Ely, a daughter of your oratrix, by a former marriage with one James M. Ely, decd., is the owner in co-parcenary with her brother Loenard ^{B.} Ely, and in fee simple of two tracts of land, and the reversionary interest in another tract of land, all lying and being in Lee County, Virginia, as follows, to-wit: One small tract of about 3 1/2 acres assigned to the said Maud and her brother Loenard B. Ely, out of the estate of their grand-father, Nimrod ^{H.} Ely, and the reversionary interest, (that is, subject to the dower rights of their grand-mother Lavina Ely,) in another tract of about 17 acres, on the waters of the Dry branch, and some three miles East of Pennington Gap, and another tract lying and being in the Pocket Country on the waters of Puckett's creek, and all being lands which descended from their father and grand-father, the latter tract from their father and the former two tracts from their said grandfather; that said tracts of land are the only real estate and interest in real estate owned by said infant; that the only personal property or estate owned by the said infant consists of about \$57.00, which your oratrix has loaned out to various persons; that the said Maud Ely is under fourteen years of age; and that the said Loenard B. Ely and your oratrix would be the only heirs of the said Maud, if she were dead.

Your oratrix here showeth unto your honor that a sale of the aforesaid tracts of land would promote the interests of her said ward, because as to the said ~~XXXXXXXXXXXX~~ 3 1/2 acre tract and in which she has an undivided moiety, it is on the Poor Valley ridge, not cleared and consequently without any rental value, and as to undivided moiety in the reversionary interest in said 17 acre tract, it likewise on account of being covered with the dower of her said Grand-mother, is without any rental value, and as to her undivided interest in said Rockett-Puckett's creek tract, it is steep, hilly, and principally valu-

able for its coal and timbers;there is said to be some 80 acres of said Pocket-Puckett's creek tract,and other lands in that community seem to have^{at this time} a saleable value to coal men at prices ranging from ten to twenty dollars per acre.

Your oratrix will further show unto your honor that the rights of no person will be violated by a sale of said infant's undivided interest in said three tracts of land,or of either of them.

Your oratrix therefore prays that the said infant,Maud Ely and the adult Loenard B.Ely be made parties defendants to this suit; that a suitable person be appointed guardian ad litem for the said infant;that the said guardian ad litem,and the said defendants be required to answer this bill under oath;that the said ~~xxxxx~~ undivided interest in said three tracts of land(copies of the meets and bounds of each being herewith filed,marked "A","B" and "C",respectively, and prayed to be taken as a part of this bill,) of the said infant be sold and the proceeds of sale be invested for the benefit of the said infant as the court may direct;and that all proper orders and decrees may be made and accounts and inquiries directed;and for such other further and general relief as the nature of the case may require,or seems proper in the premises. And your oratrix will ever pray,etc.

Sarah E. Parks Guardian
of Maud Ely.

P.Q.

Virginia,

Lee County,to-wit:

This day personally appeared before me,the undersigned,a Justice of the Peace for the county aforesaid,the above named Sarah E.Parks,guardian of Maud Ely,plaintiff in the foregoing bill,and made oath that she believes the statements therein contained to be true.

Given under my hand this the 16 day of April,1904.

J. J. Yeary J. P.

Sarah Parkesquand

or } Beice

Maud Ely Th at

1904
Filed 2nd Apr. Vuls.
H. C. T. Ewing Clk
By M. C. Hattery oc

Costs:

Pl	Clerk	5.26
	Shuff.	50
Pl	H. P.	2.50
Pl	G. A. L.	5.00
Pl	Atty	15.00
	Estimated	6.00
		<u>34.56</u>

To the Hon. H. A. W. Skeen, Judge of the Circuit Court for Lee County.

Your petitioner, Sarah E. Parks, Guardian, for R. Maud Thomas, formerly R. Maud Ely, respectfully represents unto your Honor that her ward and daughter the said R. Maud Ely was duly married to one John F. Thomas and is now his wife; that heretofore, to-wit, on the Second April Rules for 1904 your petitioner filed a bill in your Honorable Court for the purpose of having sold certain real estate, lying and being in Lee County, Virginia, of the said R. Maud Thomas; that there was under various orders and decrees entered in said cause a sale made of a portion of the said Maud's real estate to one J. S. Cox; that the said R. Maud Thomas is still an infant under the age of twenty-one years; she now being eighteen years of age; that by inheritance from her father she and her brother Leonard B. Ely inherited a tract of land lying and being in Lee County, Virginia, in the Pocket Country on the waters of Puckett's creek and being the first described tract of land, in the deed of Wm. S. Martin to James M. Ely and which deed is ~~xxxxxxxxxx~~ dated the 21st day of March, 1884, and recorded in deed book No. 26 page 175; that your petitioner was the wife of the said James M. Ely and therefore was at the death of the said James M. Ely, and now, entitled to dower on said tract of land; that the said R. Maud Thomas (nee R. Maud Ely) purchased from her aunt Susanah Ely a tract of land lying and being in Lee County, Virginia, on the water of Dry Branch the deed to her for the said last named tract of land being dated the 20th day of May, 1904, and of record in the Clerk's Office for Lee County, Virginia, in deed book number 43 page 280; that since the marriage of the said R. Maud Ely to the said John F. Thomas the said R. Maud Ely desires to exchange her land obtained from the said Susanah Ely

to the interest of the said Leonard B. Ely in the lands on Puckett's Creek and conveyed as aforesaid to the said James M. Ely by Wm. S. Martin.

Your petitioner is acquainted with both of said tracts of land and believes it to be to the interest of her daughter and ward that the exchange of lands be confirmed by your Honor; that is that all of the right, title and interest of the said R. Maud Thomas in said tract of land which she purchased as aforesaid from the said Susanah Ely be transferred and conveyed by a proper Commissioner to the said Leonard B. Ely in the consideration of his conveying his undivided interest in the Pucketts Creek tract to the said R. Maud Thomas. And the said Leonard B. Ely has this day made a deed of conveyance to the said R. Maud Thomas for his undivided interest in said Pucketts Creek tract of land and here files the same as exhibit "Z" ~~and~~ as an escrow to be ~~divided~~ delivered to her in the event your Honor confirms the exchange of lands aforesaid.

Your petitioner will further state unto your Honor that the said R. Maud Thomas has no property or effects than the tract of land conveyed to her as aforesaid, except about \$98.00 which is in my hands and control.

Your petitioner further states that in the event of the death of the said R. Maud Thomas before she obtains the age of twenty-one years her brother Leonard B. Ely and your petitioner ^{shall} be her heirs.

The premises aforesaid considered your petitioner is advised that on proper proof being made of the allegations aforesaid your Honor will confirm and ratify the exchange of lands aforesaid and to that end she prays that the said exchange be confirmed and ratified; that the said R. Maud Thomas and Leonard B. Ely be made parties defendant to this petition; that they be required to answer the same; that if

neccessary a Guardian ad litem be appointed to defend her
in this matter and that on a final hearing of this petition
the Commissioner be duly appointed and the said land con-
veyed to the said R. Maud Thomas by Susanah Ely to be con-
veyed to the said Leonard B. Ely and that all other, further,
and general relief be awarded your petitioner as may seem
just and proper and she will ever pray, etc.

Sarah ^{Ely} Parks
mark

Sworn to before me this the 7th day of
Jan - 1909 J. J. Yeary, J. P.

Sarah E. Parks guard

vs } Amund. Rice

Maud Rely Hall

Filed Feb. 8, 1909,

H.C. D. Ewing,
Clerk.

Costs:

Clerk \$4.86

To the Hon.H.A.W.Skeen,Judge of the Circuit Court for Lee County:

The separate answer of Loenard B.Ely,to a bill of complaint exhibited against him and an other,by Sarah Z.Parks,Guard.,etc.,

The said respondent reserving to himself the benefit of all just exceptions to the said bill of the said Complainant,for answer to the said bill,answering says:

That he has no personal knowledge of the fact whether the said complainant is the duly appointed guardian of the said Maud Ely,but he has long heard such to be the fact,and for the purposes of this suit,however,he will admit that she is the duly appointed guardian of the said Maud Ely; that he supposes that the said bill correctly states all the real and personal estate belonging to the said Maud Ely; if she has any other estate he has no knowledge of the same,or any idea of her having any other estate than that mentioned in said complainant's bill;he does not believe she does own any other estate than that mentioned in said bill;that the interest and location of said Maud Ely's interest in the lands mentioned in said bill are correctly stated; that he and the said complainant as he is advised would be the only heirs of the said Maud,if she were dead;and that ~~the~~ he belives that a sale of the undivided interest of the said Maud Ely in said three tracts of land,mentioned in said complainant's bill would be to her interest,nor would the rights of any person be violated by a sale of the same,or either of them.

Your respondent is the only brother of the said Maud,and would naturally fell and take an interest in her affairs,and he advises a decree for the sale of her said undivded one-half interest in each of said tracts of land.

Now having answered as fully as he is advised that it is material for him to answer,he prays to be hence dismissed with his reasonable cots~~xx~~ hercin. And he will ever pray,etc.

Leonard B. Ely

Virginia,

Lee County,to-wit:

This day personally appeared before me, J. J. Yeary
a Justice of the Peace for the county and State aforesaid,
whose answer is above written and signed by the said Loenard B. Ely,
and made oath that the statements contained in the said answer, so
far as made upon his own knowledge are true, and in so far as made upon
the information and knowledge of others, he believes they are true.

Given under my hand this the 16 day of April, 1904.

J. J. Yeary, J. P.

Sarah Farkes maid

Answer of
vs } L. B. Ely

Maud Ely et al

Filed 2nd Apr, rules 1904

H. C. T. Ewing CLK

By M. C. Hawley DC

To the Hon. H. AL. W. Skeen, Judge of the Circuit
Court for Lee County.

The Separate answer of Leonard B. Ely to a bill of
complaint exhibited against him and R. Maud Ely by Sarah
E. Parks, guardian, etc.

And for answer to said petition your respondent says
that he has read, and heard read, the petition of the said
Sarah E. Parks and believes that each and ever allegation
thereof is true; and it is his opinion that the exchange
of lands mentioned in said petition would be to the interest
of his sister, the said R. Maud Thomas because by this ex-
change she would be then be the owner of the entire tract of
the Puckett's Creek land, subject to the dower thereon of the
said Sarah E. Parks. And your respondent recommends the con-
firmation of said exchange of lands.

Now having fully answered he prays to be hence dis-
missed with his reasonable costs in this behalf expended.

Leonard B. Ely

Virginia,

Lee County, to-wit:

This day personally appeared before me J. J. Yeary
a Justice of the Peace, for the County and State
aforesaid Leonard B. Ely, who made oath that the statements
contained in the foregoing answer contains the truth to the
best of his knowledge and belief in as far as made upon his
own information and as far as made upon the information
of others of this the same be true.

J. J. Yeary, J. P.

Sarah E. Parks

us } answer of
Leonard B. Ely

Maud R. Ely Ad

Filed Feb. 8, 1909.
H. C. D. Ewing
Clerk.

To the Hon.H.A.W.Skeen,Judge of the Circuit Court for Lee County.

The separate answer of Maud Ely,an infant under the age of twenty-one years by W.K.Hopkins,her guardian ad litem,assigned to defend her in this suit,to a bill of complaint exhibited against her and others,in the circuit court for Lee County, Va.,by Sarah Parks, her guardian.

The respondent reserving to herself the benefit of all just exceptions to the said bill,for answer thereto,or to so much thereof as she is advised that it is material she should answer,by her said guardian ad litem,answers and says:

That she is an infant under twenty-one years of age,and by reason of her infancy is incapable of understanding or of taking care of her rights and interests. She,therefore,prays,and by her said guardian ad litem commends herself and her rights and interests to the protection of the court,and prays that no decree may be pronounced which will tend to her prejudice.

And having fully answered,the said respondent prays to be hence dismissed with her reasonable costs in this behalf expended;and she will ever pray,etc.

W.K.Hopkins Guardian
Ad Litem for said Maud Ely.

Virginia,

Lee County,to-wit:

This day personally appeared before me W. J. Orr
a Notary Public for the county and State afore-

said, W.K.Hopkins,whose answer is above written,and made oath that the statements contained in the said answer,so far as made of his own knowledge are true;and so far as made from the knowledge ~~of his own~~ or information derived from others,they are believed to be true.

Given under my hand,this the 3 day of May,1904.

W. J. Orr

Sarah Parks guard

vs Answer
H. A. L.

Maud Ely et al

Filed by leave of the
Court 16. day of May
1904

J. C. T. Ewing clerk

To the HON. H. A. W. Skeen, Judge of the Circuit Court of Lee County.

The separate answer of R. Maud Thomas to a petition filed in this Honorable Court against her and Leonard B. Ely, by her guardian and mother Sarah E. Parks.

And for answer to said petition she says that she is an infant, yet she believes that she is of sufficient age to stake to your Honor, and she does here state to your Honor that it is her desire and interest that the exchange of lands mentioned in said petition be confirmed and ratified by your Honor, because by so doing she would get her lands all together in one tract. She is of the opinion that her interest would be best subserved by the exchange of lands aforesaid; that is by her ~~giving~~ getting the interest of her brother the said Leonard B. Ely in the Puckett's Creek tract of land and her brother getting her lands which she bought from Susanah Ely by a deed dated May, 20, 1904. Now having fully answered she prays to be hence dismissed with her reasonable costs in this behalf expended.

R. Maud Thomas

Virginia,

Lee County, to-wit:

This day personally appeared before me J. J. Yeary a Justice of the Peace for the County and State aforesaid, R. Maud Thomas, who made oath that the statements contained in the foregoing answer contains the truth to the best of her knowledge and belief in as far as made upon her own information and as far as made upon the information of others of the same be true.

J. J. Yeary J.P.

Sarah E. Parks

Answer of
vs } R. Maud Thomas

Maud Eddy Hall

Filed Feb. 8, 1909,
H. C. D. Ewing,
Clerk.

=====

Sarah E. Parks, Guardian, etc. Plaintiff.

vs.

R. Maud Thomas (nee Ely) & Leonard B. Ely, Deft.

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#

Decree.

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This cause came on this day to be further heard upon the papers formally read therein and by consent of all of the parties by counsel to be further heard upon the complainant's amended bill verified by affidavit thereto and filed by leave of the Court and the exhibit filed therewith; the separate answer of the infant defendant R. Maud Thomas by her guardian ad litem to said bill; the separate answer on oath in proper person of Leonard B. Ely; the separate answer on oath in proper person of said R. Maud Thomas the said infant who is over fourteen years of age to said bill; the complainant's replication to the said several answers; the depositions of witnesses; and was argued by counsel; and by consent of all parties by counsel said amended bill is docketed and set for hearing.

On consideration of all which the Court is of the opinion that the said R. Maud Thomas is over fourteen years of age and that an exchange of her interest in the real estate mentioned and described in said bill, that is the tract of land conveyed to her by deed dated the 20th day of May, 1904, by Susanah Ely and which deed is of record in the Clerk's Office for Lee County, Virginia, in Deed Book 43 page 280 will promote the interest of the said R. Maud Thomas the same appearing to the Court ^{independant} of any admission in the answer, to the said Leonard B. Ely for his undivided interest in that certain tract or parcel of land, lying and being in Lee County, Virginia, in the Pocket Country and on the waters of Pucketts Creek, and being the first described tract of land in the deed of William S. Martin to James M. Ely and which deed is dated the 21st day of March, 1884, and recorded in deed Book #26 page #175.

And it further appearing to the Court that the

rights of no person would be violated by said exchange of land, it is therefore adjudged, ordered and decreed that the said exchange of land aforesaid be and is hereby approved and confirmed by the Court: The said R. Maud Thomas taking pursuant to the deed of Leonard B. Ely to her the said Martin tract of land and the said Leonard B. Ely taking and holding in fee simple the said tract of land conveyed as aforesaid on the 20th day of May, 1904, to the said R. Maud Thomas, and for the purpose of more effectually carrying out said exchange of land it is further adjudged, ordered and decreed that E. W. Pennington, who is hereby appointed a Special Commissioner for the purpose will make to the said Leonard B. Ely a good and sufficient deed with covenants of Special warranty to the said tract of land conveyed as aforesaid to the said R. Maud Thomas on the 20th day of May, 1904, by Susanah Ely.

And on the making of the said deed by the said E. W. Pennington to the said Leonard B. Ely as aforesaid, the Clerk of this Court will deliver to the said R. Maud Thomas the deed of the said Leonard B. Ely and wife, filed in this cause as mescrow; and the said E. W. Pennington having this day made to the said Leonard B. Ely a deed to the Susanah Ely tract of land. it is further adjudged, ordered and decreed that said deed be and the same is hereby confirmed and the said Leonard B. Ely will take and hold said Susanah Ely tract of land free from any right or claim of the said R. Maud Thomas, her heirs or assigns.

And the said Leonard B. Ely is hereby ordered to pay to the said E. W. Pennington the sum of five dollars for his services in making said deed.

And there being nothing further to be done in this case it is ordered to be stricken from the docket.

Sarah E. Parks

vs } Decree
Final

Maud Eely et al

Entered in C.B.#8
Page 437.

Enter this
Haw Shun
2-8-1909

Sarah E. Parks, Guard, etc., Complainant.

Vs.

In Chancery.

Maud & Leonard B. Ely, et als. Defendants.

This cause acame on again this the *10th* day of December, 1906, to be further heard upon the papers formerly readd therein, and the report of Commissioner E. W. Pennington, showing his disbursments of the \$50.00, referred to in the order in this case, entered on ~~or~~ or about the 19th day of Sept., 1906, and was argued by counsel.

On Consideration of all which, and said report and disbursments being unexcepted to, it is adjudged, order and decreed that said E. W. Pennington's report and disbursments of said \$50.00 be and the same are hereby confirmed, and he is hereby exonerated from any further liability on account thereof. And this cause is continued.

Sarah E. Parks, Guard., etc.

Vs. Decree.

Maud & Leonard B. Ely, et als.

*Entered in C.R.B.
#8, page 225*

Enter this 10th Dec., 1906.

J. A. W. B. K.

Sarah Parks, Guard., etc. Complainant,

Vs.

In Chancery.

Maud & Leonard B. Ely, Defendants.

This cause came on again to be heard upon the papers formerly read in the cause, and the report of sale made by Commissioner E. W. Pennington to Hi Ely, and filed herein on the 6th day of September, 1906, and was argued by counsel:

On consideration of all which and the court being of the opinion that the interest of the said Maud Ely will be promoted by a ^{sale} ~~sale~~ of her interest in the tract of land described in said ~~de~~ Pennington's said report, and that the rights of no person will be ~~prejudiced~~ violated thereby, and said report and sale not being excepted to, it is therefore adjudged, ordered and decreed that said report and sale of said land be and the same are hereby confirmed to the said Hi Ely, and that he take and hold the same free from any claim, right, title or interest therein of the said Maud Ely.

And it further appearing to the court that said Hi Ely has paid to the said Comr. Pennington the sum of \$50.00, the entire purchase price of said Maud's interest in said land, it is further adjudged, ordered and decreed that E. W. Pennington who is hereby appointed a special commissioner for the purpose will make to said Hi Ely a deed with covenants of Special warranty to said Maud Ely's undivided interest in said tract of land described in said report, subject to the dower rights of ~~the~~ ^{the} Lavina Ely, ; and he having made the deed as required of him to said Hi Ely, it is further adjudged, ordered and decreed that said deed be and is hereby confirmed, and said Pennington will deliver the same to the said Hi Ely on his paying to him the sum of \$5.00 for his services in making the said deed.

And it further appearing to the court that said Comr. Pennington has in his hands said \$50.00, it is ordered that he retain ^{as his Commission} \$2.50 out of the same, and then pay to the Clerk the costs owing

-2-

to him in this cause, and the residue he will pay to the said Sarah Parks, as guardian of the said Maud Ely, taking receipts for all his disbursements, and when he has so paid out said \$50.00, he will report his action to court, and this cause is continued.

IN RE Maud Ely

Sarah Parks, Guard. etc.

Vs. Decree.

Maud & Leonard B. Ely.

Entered in C.O.B.
#8, page 212 re.

Enter this,

Sept., 19, 1906.

Hawthorne

Sarah E.Parks,

Complt.

vs.

In Chancery.

Maud Ely,et al.

Defts.

This cause came on again this day to be further heard upon the report of Commissioner E.W.Pennington showing the disbursements of the moneys in his hands and making the deed required to be made by him to J.S.Cox for the lands purchased by him in this cause, and was argued by counsel: On consideration of all which and for reasons appearing to the court is adjudged, ordered and decreed that said report, deed and disbursements be and the same are hereby confirmed; and said Pennington is releaved from any all liability ~~of~~ ^{for} the money which heretofore came into his hands. And said J.S.Cox for his services in making said deed to him, will pay to the said E.W.Pennington the sum of five dollars. And this cause is continued.

Sarah Parker.

see
no 3.

Maud Elizabeth

Entered Chex O.B.
No-7 Page. 573.

Entered this Sept
21st, 1904.

at age 5 years

Sarah E.Parks,Guard.,etc., Comptl.

Vs.

In Chancery.

Maud Ely, et als.,

Defts.

This cause came on again to be heard upon the papers formerly read therein and the report of ^{Court. E. W. Pennington of the} sale of the interest of said Maud Ely in lot No. 6 assigned her and Leonard B. Ely out of the estate of N.C. Ely, decd., ~~of E.W. Pennington Comr.~~, and filed in this cause on the 17th day of July, 1904, and was argued by counsel:

On ~~the~~ consideration of all which and for reason appearing to the it is adjudged, ordered and decreed that court, said report and sale to J.S. Cox be and the same are hereby confirmed. And it appearing from said Pennington's report that the said ~~J.S. Cox~~ has fully paid to him the amount of his bid, it is adjudged further, ^{in the purpose} ordered ~~that~~ and decreed that E.W. Pennington, who is hereby appointed a special commissioner, ~~who~~ will as soon as practicable make and acknowledge ^a deed to the said Cox, with covenants of special warranty, conveying to the said Cox whatever interest and title the said Maud Ely has in said tract of land mentioned in said Pennington's said report of sale; and he will report his action to Court.

And it is further adjudged, ~~ordered~~ and decreed that said E.W. Pennington will pay out said sum of money in his hands by first paying the costs of this suit and the commissions of sale, and the residue to said Sarah E. Parks, as guardian of the said Maud Ely, taking her receipt for such payment and he will report his action with respect to the payment of said sum of money to the court. And until the making of said deed and the report of payment of said sum of money, this cause is passed.

Sarah E. Parks

no / ~~same~~
1001 2

Wanted, Ely, Cal

Entered C. O. B.
No 4, Page 501.

Enter this
Sept 19th 1904.
H. C. W. H. C.

Sarah Parks, Guard.etc. Complt.

Vs.

In Chancery.

Maud and Loenard B.Ely, Defts.

This cause came on this day to be heard upon the bill of the said complainant, and exhibits filed therewith; the answers of said Loenard B.Ely, in his own proper person, and the answer of Maud Ely an infant under fourteen years old, by W.K.Hopkins, her duly appointed guardian ad litem; the deposition of witnesses, and was argued by counsel. Upon consideration of all which the court is of opinion that the said Maud Ely is under fourteen years old, and that a sale her interest in of the real estate mentioned and described in said bill will promote the interests of the said Maud Ely, the same appearing to the court independantly of any admissions in the answer, and it further appearing and the court so being of opinion, that the rights of no person will be violated by a sale of such undivided interest in said real estate, it is, ^{therefore,} adjudged, ordered and decreed that the said undivided one-half interest in ^{each of said three tracts of} ~~said~~ real estate belonging to the said Maud Ely, be ^{separately} sold, either at public or private sale, whichever, in the opinion of the special commissioner hereinafter appointed will be most conducive to the interests of the parties concerned, upon the following terms: A sufficiency cash down to pay the costs of this suit and commissions of sale, and the residue in one and two equal installments, payable in *one* and *Two years* respectively, the purchaser giving his notes therefor drawing interest from date of sale, with good personal security, payable to such commissioner, and the legal title to be retained to further secure the payment of such installments. And for the purpose of making such sale E. W. Pennington is hereby appointed a special commissioner, who will give bond before the clerk of this court in a penal sum of \$1500.00, conditioned to faithfully perform his duties as such special commissioner and account for any and all moneys that shall come into his hands under this decree. But before making such sale, the said commissioner shall advertise the time, terms and place of sale by posting written or

printed notices for thirty days prior to the time of making such sale;he shall post one of his notices at the front door of the court house of Lee County,one at the Post office in the town of Pennington Gap,and one in the neighborhood of each of said three tracts of land,and at such other places as he may deem advisable. And what he shall do as such special commissioner under this decree,he will report the same to this court,at the next term after such sale shall have been made. And this cause is continued.

Sarah Parkes guard-

vs. } Deena No. 1

Maud Eily to ad

Eu. C. B. No 7,
page 453

Enter this

May 16 - 1904

J. A. W. Shere

Sarah E. Parks, Guard., etc., Compl't.

Vs.

Maud Ely et al., Defts.

The depositions of Wm.S.Ely and others, taken before me, W.T. Orr, a notary public in and for the State of Virginia, and County of Lee, pursuant to agreement of all the parties to this cause, at the law office of E.W.Pennington, in the town of Pennington Gap, in Lee county, Virginia, on the 3rd day of May, 1904, between the hours of 8 A.M. of that day and 6 P.M., to be read as evidence in behalf of the said Sarah E. Parks, guard. etc., in a certain suit in chancery now pending in the Circuit Court for Lee County, wherein the said Sarah E. Parks, is complainant and Leonard B. Ely and Maud Ely are defendants.

Present E.W.Pennington, attorney for the said Complainant;

" W.K.Hopkins, guardian ad litem for Maud Ely, an infant; and

" Leonard B. Ely in his own proper person.

The witness Wm.S.Ely, a witness of lawful age after being duly sworn, deposes as follows:

Q.1. Give your name, age, residence and occupation.

Ans. My name is Wm.S.Ely; I am 38 years old, reside in Lee County, Virginia, on the Dry branch, and am a farmer.

Q.(2). Are you acquainted with the plaintiff in this suit and Maud and Leonard B. Ely? If so, how long have you known them?

Ans. I have known the plaintiff ever since I can remember; and I have known Leonard B. & Maud Ely ever since they were born, I think.

Q(3). Were you and are you ^{now} acquainted with the land, which belonged to N.H.Ely in his life time? if so, where did the land lie?

Ans. I was and am acquainted with his lands. It lies on the Poor Valley ridge and on the south side of the Stone or Cumberland mountain. It laps across said ridge. Some of it lies on the south side of said ridge; it is about three miles eastward from Pennington Gap.

Q.(4). After said N.H.Ely died, what was done with his lands if you know?

Ans. It was divided among his heirs, and his widow was assigned a dower in the same, by some order or decree of the Circuit court for this county, and in the year 1901, I think.

Q.(5). If you know, give the names of said N.H.Ely's heirs and his widow.

Ans. I. P. Ely, Amanda Ely, myself, Hiram Ely, John B. Ely, C. H. Ely, and said Leonard B. & Maud Ely, who are children of James M. Ely, a son of said N. H. Ely; but said Jas. M. Ely died before the said N. H. Ely died. His widow's name is Lavina Ely.

Q.(6). You say that the lands of said N. H. Ely was divided among his heirs mentioned above by you: Please state if any part thereof was assigned to the said Leonard B. Ely and Maud Ely? If so, how much and what are the boundaries of the same, if you know?

Ans. There was two small tracts assigned to the said Leonard B. Ely and Maud Ely, one of which in fee and the other subject to the life estate of said Lavina Ely on the same. The one assigned them in fee is bounded as follows: BEGINNING at a stake corner to lot No. 5 on the Campbell line, and thence N. 13 W. 130 P. to a stake, N. 69-3/4 E. 6 P. to a sour wood; S. 71-1/2 E. 41 P. to a stake near a gum, chestnut and chestnut oak; S. 14-1/2 E. 120 P. to a hickory and dog wood; S. 39-1/2 W. 3-3/4 P. to a white oak by the old Campbell corner; thence West 40 P. to the Beginning, and containing 31-1/2 acres. This was lot No. six in the partition of said lands. And the other assigned to said Maud and Leonard B. Ely is subject to the life estate of said Lavina Ely, and is bounded as follows: Beginning at a stake and ~~xxx~~ paw-paw on the line of Lot No. two, thence N. 23 W. 155 P. to a stake on top of Stone Mountain, thence S. 66 W. 17-1/2 P. to a chestnut oak, S. 57 W. 15-1/2 P. to a plated rock, corner to John H. Pennington, thence S. 23 E. 132 P. to a stake where old oak stood, S. 13-1/2 E. 20-1/2 P. to a stake, corner to lot No. two, thence with the line of the same N. 68-1/2 E. 18 P. to two cedars, due East 17 P. and 8 links to the Beginning. I think there is about thirty-one acres in this last mentioned tract; but I can not say as to that positively.

Q.(7). What are the respective ages of said Leonard B.Ely,Maud Ely and Lavina Ely,if you know?

Ans. I think Leonard~~xx~~ is nearly 24 years old; Maud Ely,is thirteen years old,going on 14;and mother,that is Lavina Ely,is right about 61 or 62 years old;but I can not say for certain as to her age.

Q.(8). State what if any is the rental value of the two tracts of land above described by you to said Maud Ely,that is give your best opinion of their rental values per annum?

Ans. There is no rental value to said Maud Ely on either of said two tracts of land.The first described tract,is in the woods,none of it cleared,and consequently it has no rental value for farming purposes,nor would any of it have any rental value for grazing purposes. The other,or last described tract is subject to the life estate of said Lavina Ely,and so it has no present rental value to the said Maud.

Q.(9). What would be your opinion as to advisability of said Maud's interest in said two tracts being sold? Would you think a sale of the same would be to her interest or not,and if you say,you think it would be to her interest to have the court sell her interest in said two tracts,tell why you think so?

Ans. I think it would be very much to her interest to have her said ~~xx~~ interest in said two tracts sold by the court,because the parties w who own on either side of her lands have sold out,and she now has as I am informed an opportunity to sell her shares to the same parties at the price of ten dollars per acre;her shears are narrow long strips and would take a good deal of fencing and work to get them in a condition to bring any rents~~xx~~,and because they have now no rental value to her. I think the interest on the money which she could realize for the land would be worth much more than any rents she could get out of it. When I said she could sell for ten dollars per acre,I meant to refer to the tract ~~xxx~~ in which she owned a one-half undivided interest,and free from the dower rights of said Lavina.

Q.(10). Do you know of any other lands woned by the said Maud,if so, where are they,and what do you know of them?

Ans. The father of said Maud Ely at the time of his death owned in fee a tract of some 75 or 80 acres of land, lying and being in Lee County, Virginia, in the Pocket Country, and on the waters of Puckets creek, and is a tract of land conveyed to ~~xxxx~~ James M. Ely by deed dated 21st day of March, 1884 by W.S. Marten. It is the first tract mentioned in said Martin's deed to the said James M. Ely. My understanding is that James M. Ely, the father of the said Maud and Leonard B. Ely sold the last tract mentioned in said deed before he died, and at the time of his death he owned the first named tract in said deed. James M. Ely when he died left surviving him as his heirs the said Maud Ely and Leonard B. Ely, and the said Sarah E. Parks as his widow. I know this tract of land which the said Jas. M. Ely owned at the time of his death. I have been over it.

Q.(11). What would be your opinion as to the advisability of the court having sold the undivided-one-half interest of the said Maud in this Pocket tract of land, subject to her mother's dower rights in the same. Would you think it would be to her interest to have her said interest sold, and if you say that you think it would be beneficial to sell the same, tell why you think so?

Ans. If the said Leonard B. Ely and the said Sarah E. Parks have an opportunity to sell and should sell their respective interest in this tract of land, I think it would be to the interest of the said Maud that her interest be sold along with theirs. I don't put much value on this tract of land for farming purposes. I think its principal and chief value would be for its coals, which it is supposed to have on it. All the valuable timbers have been taken off this tract of land, there is nothing but very small timbers left on it. My understanding has been been that lands in that community has been selling for ten to twenty dollars per acre. My opinion is that if her mother and brother were to sell their interests at prices ranging along there, it would be to her interest that her interest be sold along with them at the same price.

Q.(12). Will the rights of any other person in any way be violated

by a sale of said Maud's interest in said lands or either tract thereof?

Ans. I think not. I know of no reason why it should.

Q.(13). What property, if any has the said Maud, other than her interest in said three tracts of land, above referred to by you?

Ans. My understanding is she has a little money in the hands of her guardian, but its amount, I don't know. I don't think she has any other property other than her said interest in said three tracts of land, and the little money in the hands of her guardian.

Q.(14). What is the financial ability of the mother of said Maud to take care of her, educate her, and provide for her according to her family station in life; is her mother able financially to do it?

Ans. The only property she owns is a small tract in fee simple of worth about \$250.00, one cow and her dower interests in said Pocket lands. So I don't think she is able properly ^{to} take care of the said Maud, and educate her she should be and according to her family station in life.

Cross examined by W.K.Hopkins Guardian ad

litem for the said Maud Ely.

Q.(1). What in your opinion is the comparative value of the first tract of land mentioned by you in your examination in chief to the lands on either side of it.

Ans. I think the value of the tract first described by me as being the lands of said Maud and Leonard in fee, is about the same kind as the lands on either side of it. The commissioners who divided the land thought they were of the same value, and I think they were right in their ~~xxxxxx~~ opinions.

Q.(2). You stated in your examination in chief, if I understood you, that the lands on either side of said Maud's lands had been sold for ten dollars per acre; state whether said Maud's lands are ~~xxx~~ worth more or less ~~xxxx~~ than ten dollars per acre.

Ans. I think hers is worth just as much as the lands on either side of hers.

Re- examination in chief.

Q.1). Have you any interest in seeing or having said Maud's several interests in said three tracts of land, or in either of them? sold?

Ans. I have none. I have no idea of buying ~~them~~ My understanding is it and A.J.Cox or one of them was J.S.Cox, of Dryden who wants to buy her interest in said first named tract of land. ~~XXXXXX~~ They bought ought the other ~~other~~ interests on either side of Maud's lands, as I understood it.

And further this deponent saith not.

Wm. S. Ely

Hiram Ely, another witness of lawful age, after being duly sworn, deposes as follows:

Q.(1). What is your name, age, residence and occupation?

Ans. My name is Hiram Ely, I am 32 years old, and reside in Lee County, Virginia, on the Dry Branch, and am a farmer.

Q.(2). Are you acquainted with the parties to this suit, and if you say you are, how long have you known them?

Ans. I am acquainted with each of the parties to this suit. I have known Leonard and Maud all their lives, and Mrs. Parks ever since I can recollect any thing.

Q.(3). State whether you were present while Wm.S.Ely was giving his deposition on this case, and if you ^{you} say, were, state whether you heard all he said in answer to the various questions asked him?

Ans. I was present while said Wm.S.Ely was giving his deposition in this case, and I heard each question asked him and his answers to each?

Q.(4). Now, if the same questions were asked you, specifically, as was asked Wm.S.Ely, what would be your answers to them?

Ans. I would answer them in effect and substance as he did. It is my opinion, it would be to the interest of the said Maud to have sold her interest in ~~the~~ the three tracts of land spoken of by Wm.S.Ely, and the money invested in something else, or loaned out, or used in her education, and support, etc.

And further this deponent saith not.

Hiram. Ely.

Leonard B.Ely,another witness of lawful age,after being duly sworn deposes as follows:-

Q.(1). Give your name,age,residence and occupation?

Ans. My name is Leonard B.Ely,I am 23 years old,reside in Lee County Virginia,on the Dry Branch,and am farmer.

Q.(2). Who was your father and mother?

Ans. James M.Ely was my father;he died twleve years ago last Septem~~z~~ber. My mother is the said Sarah E.Parks. After my father died,she married Wm.Parks.

Q.(3). How many children did your father have when he died,and how many of them are still living,and what are their names?

Ans. He had only two children living at the time of his death,and they are still living,and are myself and siad Maud Ely.

Q.(4). State whether you were present all the while Wm.S.Ely was giving his deposition in this case,and if you say you were,state whether you heard all the questions asked him,and his answers to the same.

Ans. I was present while he was giving his testimony,and I heard each and every question asked him and his answers to the same.

Q.(5). Now if the same questions were asked you as were asked Wm.S.Ely,what would be your answers to them?

Ans. I would have to answer them in effect and substance as he did. It is also my opinion it would be to Maud's interest to sell her said interests in said lands.

And further this deponent saith not.

Leonard B. Ely

Virginia, Lee Co., to-wit:-

I, W.T.Orr, a notary public in and for the county and State afore said, do hereby certify that the foregoing depositions of Wm.S.Ely, Hiram Ely, and Leonard B.Ely, were duly taken, sworn to, and subscribed before me, at the time and place, and for the purposes in the caption mentioned.

Given under my hand this the 3d day of May, 1904.

W. T. Orr N.P.

My Com. Expires June 11th 1908.

Sarah E. Parks guard

vs. } Depositions

Maud Ely et al

Received by mail in good
condition and filed May
3rd 1904 H. C. Wing Clerk.

N. P. for P. L. #2.50 P. L.

The depositions of John T. Hughes and James H. Ely
~~taken~~ before me J. J. Yeary a Justice of the Peace in and
for the County of Lee and State of Virginia by agreement, at
the law Office of E. W. Pennington, in the town of Pennington
Gap, in Lee County, Virginia, on the 7th day of January, 1909,
to be read as evidence in behalf of Sarah E. Parks, Guardian
etc., in a certain suit in equity depending in the Circuit
Court for Lee County wherein the said Sarah E. Parks, Guardian,
etc., is plaintiff and Leonard B. Ely and R. Maud Thomas are
defendants.

Present: E. W. Pennington, Attorney for the plaintiff
Leonard B. Ely in his own proper person and R. Maud Thomas
in her own proper person.

The witness James H. Ely being duly sworn deposes
as follows:

Q. 1. Please give your name, age, residence and occupation?

Ans. My name is James H. Ely. I live in Lee County, Virginia,
on Dry Branch. I am forty-one years of age and my occupation
is that of farming.

Q. 2. State whether you are acquainted with the parties to
this suit?

Ans. I am. I have known them all of my and their lives.

Q. 3. Are you acquainted with the tract of land which R. Maud
Thomas purchased from her aunt Susannah Ely. If so, how long
have you known this land?

Ans. I am acquainted with this land. I have known it ever
since I can remember.

Q. 4. Are you acquainted with the Puckett's Creek tract of land
which James M. Ely, the father of Maud and Leonard, purchased
in his life time from William S. Martin. If so state how
long you have known this tract of land?

Ans. I am acquainted with this last mentioned tract of land.

I have known it ever since Mr. Ely purchased it from Col. Martin.

Q.5. Would it in your opinion or not be to the interest of R. Maud Thomas to exchange her Susannah Ely tract of land to Leonard B. Ely for his interest in said Puckett's Creek tract of land?

Ans. I think so.

Q. 6. Why do you think it would be to her interest in making this exchange.

Ans. Because it would get her land all in one block. It appears to me that the Col. Martin tract of land, that is the interest of Leonard, in this land, is worth more than the Susannah Ely tract. The Martin tract of land has the coal on it and as a coal proposition, in my opinion, is worth very much more per acre than the Susannah Ely tract of land.

And further this deponent saith not.

James H. Ely

John T. Hughes another witness after being duly sworn deposes as follows:

Q.1. Give your name, age, residence and occupation?

Ans. My name is John T. Hughes. I reside in Lee County, Virginia, in the Dry Branch Country. I am sixty-eight years of age and am a farmer by occupation.

Q.2. State whether you heard Mr. James H. Ely give his deposition in this case?

Ans. Yes.

Q. 3. Were you asked the same questions that Mr. Ely was asked how would you answer them?

Ans. About the same way. In my opinion it is to Maud's interest to make this exchange of land.

And further this deponent saith not.

John T. Hughes

Virginia,

Lee County, to-wit:

I, J. J. Yeary a Justice of the Peace in and for the said County and State do hereby certify that the aforesaid depositions of James H. Ely and John T. Hughes were duly sworn to and subscribed before me at the time and place and for the purpose in the caption hereto mentioned.

Given under my hand this the 7th day of January,

1909.

J. J. Yeary

J.P.

Sarah E. Parks

vs. } on positions

Maud Ely et al

Filed Feb. 8, 1909

W.C. P. Cuming
Clerk.

SARAH E. PARKS,Guard.,et c. Complainant.

Vs.

In Chancery,

Maud & Leonard B.Ely,Defts.

By virtue of a decree of the Circuit Court for Lee County, Virginia,entered in the above styled cause on the 16th day of May, 1904,the undersigned Special Commissioner will sell at either public auction or privately,at the Front door of the Post Office in the town of Pennington Gap,Virginia,on

S A T U R D A Y, JULY,9th at 1 O'Clock P.M.,that part of the land described in said cause as follows: ~~xxxxxx~~ As an undivided moiety of Lot No. 6 assigned to the said defendants out of the real estate of their grandfather,N. H. Ely,and said to contain 31-1/2 acres. But the sale will be by the boundary and not by the acre.

T E R M S of S A L E :- A sufficiency of cash down to pay the costs of this suit and commissions of sale,and the residue one and two equal installments,payable in one and two years,bearing interest from date of sale,and the purchaser will be required to give good personal security for the said deferred payments.Or all cash down at the option of the purchaser.

This the 6th day of June,1904.

E. W. Pennington

Special Commissioner.

The bond required by the Court has been given.

Clerk.

Sarah E. Parks, Guard. etc. Compl't.

Vs.

In Chancery.

Maud Ely et al.

Defts.

To the Hon. H. A. W. Skeen, Judge of the Circuit Court for Lee County:-

Your undersigned commissioner, appointed in the above styled cause on the 16th day of May, 1904 to sell certain lands mentioned in your honor's order of said date, beg leave to report, that on the 17th day of June, 1904, after advertising the time, terms and place of sale, he privately sold to J. S. Cox, the said Maud Ely's interest in lot No. 6, that was assigned to her and Loenard B. Ely out of the real estate of her grand-father, N. C. Ely, decd. for \$157.50. Said Cox instead of giving his notes for the same, after paying down enough to pay the costs of this suit and commissions of sale, paid the whole of his bid, to-wit, the sum of \$157.50, which sum, your commissioner has now in his hands awaiting your honor's order directing its disposition. Your Commissioner believed it was advisable to take the whole of the purchase price down, instead of notes on one and two years time, and thereupon did so.

Your commissioner begs leave to further report, that in his opinion said sale to said Cox, and his payments should be confirmed, and he directed to pay the costs of this suit, and commissions of sale, and the residue to the said Guardian for the benefit of the said Maud Ely.

And said Cox having paid his entire bid, your commissioner recommends that you appoint a special commissioner to make his a deed to the said interest in said land.

The other lands mentioned in said cause has not yet been sold by your commissioner, because he has not yet found a suitable and advantageous purchaser; but he may be able to do so hereafter.

All which is respectfully submitted. This July, 17th, 1904.

C. M. Livingston

Special Commissioner.

Sarah E. Parks

vs. Report

Mrs. Ely et al

Filed Aug. 17th 1904.

W. T. Gering
Clerk

Sarah Parks, Guard., etc., Plaintiff,

Vs.

Report of Sale.

Maud & Leonard B. Ely, Defendants,

To the Hon. H. A. W. Skeen, Judge of the Circuit Court for Lee County:

Pursuant to a decree entered by your honor in the above styled cause, on the 16 day of May, 1904, and in further obedience to said decree, I beg leave to report that on the 4th day of September, 1906, at a private sale, he sold to Hi. Ely, the ~~xxx~~ ^{moiety} undivided ~~interest~~ of said Maud Ely, subject to the dower rights therein of Livana Ely, in the following described tract of land for \$50.00 which said Hi. Ely paid to your Commissioner in hand; the tract ~~xxxxxxx~~ in which your Commissioner so sold to said Hi. Ely a one-half undivided interest, subject to the dower of said Lavina Ely is bounded as follows, to-wit: BEGINNING at a stake and papaw on the line of lot No. ~~xxxxx~~ two in the partition of the lands of Ninrod S. Ely, thence N. 23 W. 155 poles to a stake on top of Stone Mountain, thence S. 66 W. 17-1/2 Poles to a chestnut oak; thence S. 57 W. 15-1/2 Poles to a planted rock, and corner to John Pennington; thence S. 23 E. 152 poles to a stake where the old oak stood; thence S. 13 1/2 E. 20 1/2 Poles to a stake, corner to lot No. 2; thence with line of the same N. 68-1/2 E. 18 Poles to two cedars; thence due west 17 Poles and 8 links to the Beginning, and containing about 34 -1/2 acres more or less.

Said tract of land is one of the tracts mentioned in the bill in this cause and in the depositions of the witnesses taken therein. From all the information your commissioner can get, he thinks that this sale of said Maud's said interest in said tract of land for the price aforesaid, will promote her interest and be greatly to her interest ^{and} ^{should} that the sale be confirmed by your honor. And he recommends that your honor confirm said sale to said Hi. Ely.

All which it respectfully submitted. This Sept., 4th, 1906.

E. H. Pennington

Commissioner.

Sarah ~~Smith~~ ^{For} guards
Report of
vs. Sale to
The Ely.

Maud Disuand B. Ely

Filed on the 6th day
of Sept. 1906

H. C. J. Ewing, Clerk.

Srah E.Parks, Guard,etc. Complainant.

Vs. Report of Disbursements by Comr.E.W.Pennington.

Maud & Leonard B.Ely,et als. Defendants.

To the Hon.H.A.W.Skeen,Judge of the Circuit Court of Lee County:

Pursuant to the terms of the order entered in this cause on or about the 19th day of Sept.,1906,your undersigned Commissioner has disbursed the \$50.00 mentioned in said order as follows:

1. Retained to himself, \$2.50.
2. Paid to H.C.T.Ewing,Clerk of this court, 2.50.
3. Paid to the said Sarah E.Parks,Guard.for MaudyEly45.00.

Thus making the tottal of said sum of \$50.00. Your Commissioner has taken receipts from said Sarah E.Parks and said Ewing,as evidence of his said disbursements of said sum of \$50.00.

All of which is respectfully submitted. This Dec.4th,1906.

E. W. Pennington

Comr.

Sarah E. Parks, Guard., etc.

Vs. Report of Disburse.

Maud & Leonard B. Ely, et las.

Filed on the 10 day of
Dec., 1906.

N. B. T. Ewing
Clerk.

1. Returned to Plaintiff

and a receipt is given by the Plaintiff.

and a receipt is given by the Plaintiff.

and a receipt is given by the Plaintiff.

Sarah E.Parks,Guard.etc. Compl't.

Vs.

In Chancery.

Maud Ely,et al.

Defts.

To The Hon.H.A.W.Skenn,Judge of the Circuit Court for Lee County.

Your undersigned commissioner,who was in the above styled cause appointed a special commissioner to make to J.S.Cox a deed with covenats of special warranty to the land bought by him in this cause, begs leave to report that he has made said deed,giving the meett~~s~~ and bounds of the same,and here file the deed made by him for the inspection of the court. All which is respectfully submitted. This day of Spet.,1904.

E. H. Livingston.

Special Commissioner.

Sarah Parker

vs / Report
of death

Grand Jury at all

33
Parker vs. State

\$2.25.

Received from E.W.Pennington, Comr. in the chancery cause of Sarah E. Parks guard, etc. vs Maud Ely et al, Two dollars and 25/100.

This June, 17th, 1904. For taking Depositions, by W.T.Orr, N.P.

Leonard B. Ely

\$15.00.

Received from E.W.Pennington, Comr., in the above named case, Fifteen dollars, the taxed attorney's fee. This Sept., 23rd, 1904.

Pennington Bros

\$5.00.

Received from E.W.Pennington, Comr., in the above styled case, Five dollars, the amount of my fee as guardian ad litem, therein This Sept., 23rd, 1904.

W.K. Hopkins

\$7.50.

Retained as commissions out of the sale of the land heretofore made, (\$150.00) Seven Dollars and fifty cents.

E. H. Pennington Comr.

Receipts

\$



No

Lonesville, Va., Sept. 22 1904



of E. H. Huntington Court
Six & ²⁵/₁₀₀ — — — — — Dollars

my fee in the Chancery cause of Sarah
E. Parks guard or vs. Mand Ely et al

A. C. T. Ewing Clerk.

~~Treasurer~~ of Lee County

D.K. 48, p. 33-7-

1/2/1909 -

Sarah E. Parks, R. Mond
Thomson (see R. Mond Ely)
and John F. Thomson
Es

Leonard K. Ely -

IRVINE & STUART
ATTORNEYS AT LAW
BIG STONE GAP, VIRGINIA



Mr. J. D. Edds, Clerk,

Jonesville, Va.

DB #5 B 261

John Garret deves
not able to receive
Garret for life

Kenest. Garret

Mu B #5 B 469
Approved Bue 7/6/14

The Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon *Maud Ely (an infant)*
+ *Leonard Ely*

to appear at the Clerk's office of the Circuit Court of the County of Lee at the rules
to be held for the said Court, on the *3rd* Monday in *April* 190*4*,
to answer to a bill in chancery, exhibited against *Them* in our said Court by
Sarah Parks Guardian

And have then there this writ.

Witness. *H. T. Ewing*
~~A. B. MUNSEY~~ Clerk of our said Court, at
the court-house, the *9th* day of *April* 190*4* and in the
12 *8* year of the Commonwealth.

H. T. Ewing clerk

vs.

}

**SUBPOENA
IN
CHANCERY.**

p. q.

To Rules

Lee Circuit Court.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon Maud Eley (on infant)
& Leonard Eley

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be
held for the said court, on the 3rd Monday in April, 1904, to answer a
bill in chancery exhibited against them in our said court by
Sarah Parker Gaudin

And have then there this writ. Witness, A. B. Mensey Clerk of our said Court,
at the court-house, the 9th day of April, 1904, and in the 128th
year of the Commonwealth.

A. B. Mensey, Clerk.

Sarah Parks Esq.

vs.

}

SUBPEONA

IN CHANCERY.

Maud Ely et al

Pennington Bros. p. q.

To 2nd April Rules.

Circuit Court.

clerk \$5.56
Shriff .50
n. p. 2.50
H. a. c. 5.00
any. 15.00
Estimated \$28.56
6.00
34.56
Comes 7.50
42.06

Sarah Parks. guards.

vs. } Bills

Maud Ely et al